

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**ORDER**

IN RE SEPTEMBER 11TH LITIGATION

Civil No.  
21 MC 97 (AKH)

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ALVIN K. HELLERSTEIN, U.S.D.J.:

Whereas at a status conference held on November 1, 2002 the Court reviewed proposed pre-trial schedules submitted by Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel and discussed matters relating to scheduling and related issues with counsel;

NOW, THEREFORE IT IS ORDERED THAT:

1. On or before December 3, 2002 the Plaintiffs' Executive Committee (PEC) shall file and serve a Master Complaint (or Master Complaints, if more than a single "Complaint" is determined by the Committee to be appropriate) which shall set forth the essential facts and causes of action alleged in the various lawsuits consolidated before this Court in a manner which will promote the orderly and efficient resolution of the claims presented arising out of terrorist-related air crashes of September 11, 2001.

2. On or before December 3, 2002 the Plaintiffs' Executive Committee shall file with the Clerk of the Court and serve upon Defendants' Liaison Counsel such Interrogatories pursuant to Fed. R. Civ. P., Rule 33 and requests for production of documents pursuant to Fed. R. Civ. P., Rule 34 as the plaintiffs believe are necessary for them to effectively respond to motions to dismiss that plaintiffs reasonably anticipate one or more of the defendants named in the various lawsuits are likely to make in their effort to obtain dismissal of the plaintiffs' Master

Complaint(s) or any of the causes of action set forth therein.

3. On January 24, 2003 at 1:00 P.M. the Court will hold a status conference to review the PEC's discovery requests and determine whether the scope of the requests are reasonably necessary for the purpose for which the discovery was intended, namely to respond to the defendants' motions to dismiss. Following service of the Plaintiffs' discovery requests the Defendants should prepare reasonable responses so that they can be made available to the PEC to the extent the court deems appropriate promptly after the January 24th conference.

4. With respect to any Complaint served in an individual action, every defendant named and served in such action shall have until February 7, 2003 to serve its Answer to such Complaint. Any defendant named in a Complaint served hereafter shall have until February 7, 2003 to serve its Answer or such period as is prescribed by the Federal Rules of Civil Procedure, whichever is longer.

5. On or before February 7, 2003 the Defendants' Executive Committee (DEC), Aviation Sub-Committee (ASC) or Premises Sub-Committee (PSC) shall file and serve its Master Answer or Master Answers, as the case may be to the PEC's Master Complaint or Master Complaints.

6. The DEC, ASC, PSC or any defendant named in an individual action, in lieu of filing a Master Answer or individual Answer, may file a motion to dismiss the Master Complaint or Master Complaints or any cause of action set forth therein on or before February 7, 2003.

7. Subject to the further order of the Court defendants' cross-claims and third-party claims, if any, shall be filed and served no later than December 3, 2003.

8. The United States has agreed to extend security clearances to twelve (12) members of the PEC and four (4) members of the DEC, subject to further review and consideration as

circumstances warrant upon application by the parties.

9. Motions seeking leave to file Late Notices of Claim against the Port Authority of New York and New Jersey were filed with the Court on or before October 30, 2002. Any attorney who has filed such a motion may withdraw it and refile it promptly for the purpose of removing or redacting information of a confidential or privileged nature. The Court has previously expressed its reluctance to allow pleadings or motions to be filed "under seal."

SO ORDERED.

Dated: New York, New York  
November 12, 2002

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ALVIN K. HELLERSTEIN  
United States District Judge